



The Governor's Family Violence Council

In-Service Curriculum for Law Enforcement

2009 Legislative Changes Concerning Protective Orders and Firearms

Examination Answer Key P16552 (1 Hour)

1. Effective October 1, 2009, the judge is required to order surrender of all firearms in Final Protective Orders. **TRUE** / **FALSE**
Comment: See FL, §4-506 (E), Guidelines Question 1-a, and Lesson Plan Section II.A.
2. A judge may order the surrender of firearms for certain Temporary Protective Orders. **TRUE** / **FALSE**
Comment: See FL, §4-505 (a) (2) (viii), Guidelines Question 1-b, and Lesson Plan Section II.B.
3. A commissioner may order the surrender of firearms for certain Interim Protective Orders. **TRUE** / **FALSE**
Comment: Interim Protective Orders contain no firearms restrictions. See Guidelines Question 2 and Lesson Plan IV.A.3.
4. The judge may extend the duration of a temporary protective order by up to 6 months. **TRUE** / **FALSE**
Comment: See FL, §4-505 (c) (2) (viii), Guidelines Question #1-c, and Lesson Plan Section II.C.
5. A Final Protective Order, under certain circumstances, may be effective for an indefinite time. **TRUE** / **FALSE**
Comment: A Final Protective Order, under certain circumstances, may be effective for up to 2 years. See FL, §4-506 (b) (2) (iii), Guidelines Question 1-d, and Lesson Plan Section II.D.

6. A law enforcement officer may be ordered to use reasonable and necessary force to return a minor child to the custodial parent after service of:
- An Interim Protective Order.
 - A Temporary Protective Order.
 - A Final Protective Order.
 - Any of the above.**

Comment: District Court Commissioners or judges may order a law enforcement officer to use reasonable and necessary force to return a minor child to the custodial parent after service of an Interim or Temporary Protective Order. Previously, this “reasonable and necessary force” provision applied only to Final Protective Orders. See FL, §4-504.1 (D) and FL, §4-505 (a) (3), Guidelines Question 1-e, and Lesson Plan Section II.E.

7. In addition to surrendering firearms when ordered to do so by the judge, a respondent also shall not be in possession of any firearm while the protective order is in effect. **TRUE** / **FALSE**

Comment: See FL, §4-505 (a) (2) (viii) and FL, §4-506 (E); Guidelines Questions 1-a & b, 3, 9 & 10; and Lesson Plan Section III.A.2.b and other sections.

8. A respondent to a Final Protective Order and certain Temporary Protective Orders is not required to surrender unregulated firearms, such as shotguns and rifles. **TRUE** / **FALSE**

Comment: Whenever a firearm is ordered to be surrendered as part of the conditions of a Temporary or Final Protective Order, there are no exceptions while these orders are in effect. A respondent must surrender ALL firearms per FL, §4-505 (a) (2) (viii) and FL, §4-506 (E). There are no exceptions for unregulated firearms. See also Guidelines Questions 9 & 10 and Lesson Plan Section III.A.1 & 2.

9. The surrender and prohibition to possess provisions in protective orders do not exempt law enforcement officers. **TRUE** / **FALSE**

Comment: There are NO exemptions to the surrender and prohibition to possess provisions under FL, §4-505 (a) (2) (viii) and FL, §4-506 (E). See also Guidelines Question 4 and Lesson Plan Section III.A.2.

10. If a law enforcement officer serves a Temporary Protective Order that requires the respondent to surrender his firearms, the officer:
- Shall advise the respondent to deliver the firearm to the station.
 - Shall ask the respondent if he has a protective case, and may only transport the firearm if the respondent does have a protective case.
 - Is not required to ask the respondent if the respondent has a protective case, shall transport the firearm in the case if one is provided by the respondent, but may transport the firearm without a protective case if one is not provided.**

Comment: FL, §4-506.1 (A) provides that a law enforcement officer shall... “transport and store the firearm in a protective case, if one is available....” The Guidelines that accompany the lesson plan provide that “(I)f the respondent makes a protective case available, (the officer) shall transport those firearms that fit in the case. Other firearms that do not have a protective case provided by the respondent shall be transported safely and carefully.” (“Law Enforcement Instructional Guide – 2009 Update: Failure to Surrender Firearms – Temporary and Final Protective Orders,” October 2009, Question 14) See also Lesson Plan Section III.B.3.

End of Examination.